DETAILED ACTION

This is the second Office Action **final** for serial number 10/580,213, Positioning Mechanism And Mount Apparatus Including The Same, filed on May 23, 2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
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> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12, 14-21, and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,175,152 to Dittmer.

Dittmer '152 discloses an apparatus (Fig. 2A) for positioning an object, the apparatus comprising: at least one friction member (52); a friction generating member (28, 134, 54) comprising a body member having at least one side surface (134) for receiving the at least one friction member; at least one affixed member (44) comprising at least one planar surface moveably connected to the at least one friction generating member and having there between the at least one friction member; whereby movement of the friction generating member generates a friction force between the at least one friction member and the at least one affixed member; wherein the at least one friction generating member side surface comprises a depression (146) for

accommodating the at least one friction member; wherein the at least one friction generating member and the at least one affixed member are pivotally connected (144); wherein the at least one affixed member is an affixing eye hinged member (opening between the sides - 144); wherein the at least one affixing eye hinged member comprises at least two planar members (144 – both sides) and the at least one friction generating member comprises at least two side surfaces (134); wherein the at least one affixing eye hinged member is a U-like cross-section shape member (44) that is terminated by planar members; wherein the U-like cross-section shape member further comprises bends (44 - as shown in the corners in Fig. 2A); wherein each of the at least two planar members further comprise at least one hole (where screw 148 inserts); wherein the at least one friction generating member comprises a snap (54), wherein the snap comprises a lever with a release grip at it tip and an edge having a gripping protrusion (56, 58); wherein the at least one affixed member comprises at least one elongated affixed member (150) comprising elongated ellipse shape surface and aperture; wherein the at least one friction generating member comprises an elongated shape bottom surface (38); further comprising a mechanical linkage (148) between the at least one friction generating member and the at least one friction member, and affixing member is provided by a rigid clip member (in the back of 148 – like the one as shown in 144 on the other side like a "cap" or "clip") holding the members together; further comprising at least one mounting plate (24) comprising at least one plate (back surface) for supporting the object; wherein the object is an electronic appliance (flat panel display); wherein the mounting plate comprising at least one substantially

rectangular cross-section shaped member for supporting the object; wherein the mounting plate comprises two concentric located extruded eyes (68 – aperture) along the longitudinal axis of the mounting plate; wherein the mounting plate comprises square shaped extruded eyes (70) provided within a distance that is sufficient to place there within the at least friction generating member; further comprising at least one plate u-shaped cross-section aperture (Fig 6 – center aperture); wherein the friction generating member is placed between the mounting plate and the affixing hinged eye member secured by a pivot passing along the horizontal axis through the friction generating member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dittmer '152 in view of U.S. Patent No. 6,367,756 to Wang.

Dittmer '152 discloses wherein the at least one friction generating member and at least one of the affixing member are moveably connected by a threaded screw (144), but fails to teach wherein the screw threaded in a nut. Nevertheless, Wang '756 discloses a screw (40) threaded in a nut (42). Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have modified the

screw of Dittmer '152 to include the nut because one would have motivated to provide a means for attaching the adjustable device support as taught by Wang '756.

Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dittmer '152 in view of U.S. Patent No. 2006/0091274 to Asamarai et al.

Dittmer '152 fails to disclose wherein the at least one friction member has a high friction coefficient number and in a ranging from about 0.1 to 0.65. However, Asamarai '274 discloses a friction coefficient between the nut and the pin. Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have modified the friction member of Dittmer '152 to include a friction coefficient because one would have motivated to provide a means for assisting in preventing unwanted movement of the display mount as taught by Asamarai '274.

Furthermore, it might not be interpreted that Asamarai '274 specifically teaches the friction coefficient number from 0.1 to 0.65. regardless, it would have been obvious to an ordinary artisan to do so since such a person would recognize that doing so would depend on a specific user and specific design circumstances, and since the workable ranges discovered by routine experimentation is usually within the skill level of an ordinary artisan. See In Re Aller, 105, USPQ 233 (CCPA 1955).

Response to Arguments

Applicant's arguments filed December 22, 2009 have been fully considered but they are not persuasive.

In response to applicant's argument that Dittmer '152 do not discloses the limitation in amended claim 1. The Examiner respectfully disagrees. Applicant will see that the amended claim 1, lines 9-13 contains a functional language, which Dittmer '152 reference is able to perform such a function as configured to generate a friction force between the friction member and the affixed member. Therefore, Dittmer '152 meets the limitation of amended claim 1.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TODD M. EPPS whose telephone number is (571)272-8282. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T.M.E./

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